

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1447 of 1997

in

SPECIAL CIVIL APPLICATION No 768 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and
MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BILESHWAR KHAND UDYOG KHEDUT SAHKARI MANDALI LTD

Versus

KHAND UDYOG KAMDAR MANDAL

Appearance:

NANAVATY ADVOCATES for Appellant
MR TR MISHRA for Respondent No. 1

CORAM : MR.JUSTICE C.K.THAKKER and
MR.JUSTICE A.L.DAVE

Date of decision: 11/03/98

ORAL JUDGEMENT (PER C.K.THAKKER J.)

Admitted. Mr.T.R.Mishra waives service of notice

of admission on behalf of the respondents.

This appeal is filed against an order passed by the learned Single Judge in Special Civil Application No. 768 of 1997. The said petition came to be filed by the appellant for transfer of cases pending in Labour Court No.2, Rajkot. It was the case of the appellant before the Labour Court that on averments made in the application, the cases pending in the Labour Court No.2 be transferred to Junagadh. The Labour Court, by an order dt. January 7, 1997 rejected the said application. Against the said order, Special Civil Application came to be filed, which was also rejected by the learned Single Judge.

In Civil Application No. 17 of 1998, averments have been made in para 5. Mr. Mishra, learned counsel for the workmen stated that the averments made in the application are not correct. he, however, stated that if the court enters into correctness or otherwise of the averments, the cases pending before the Labour Court would be delayed. He stated that even though the workmen have succeeded in all courts, including the Supreme Court, they are deprived of their legitimate benefits. He, therefore, submitted that this court may pass an appropriate order and issue a direction so that the matter may be placed in any other court.

In the facts and circumstances of the case and without entering into correctness of the averments and/or making observations, ends of justice will meet if we direct that the matters should be immediately disposed of by any other court. We, therefore, direct that the applications be placed in any Labour Court at Rajkot other than court No.2 presided by Mr. Nanavati. It is also directed that the matters will be immediately placed for hearing and dispose of as expeditiously as possible latest by April 30, 1998. Liberty to apply in the case of any difficulty. The appeal is accordingly disposed of. In the facts and circumstances, no order as to costs.

Dt. 11.3.1998. (C.K. THAKKER J.)

(A.L. DAVE J.)